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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,992	01/25/2002	Mikio Iwamura	218810US2	7716
22850	7590	06/15/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, HUY D	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/054,992	Applicant(s) IWAMURA ET AL.	
	Examiner Huy D. Nguyen	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08022002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/14/2005 have been fully considered but they are not persuasive.

In the Remarks filed 3/14/2005, the applicants submitted that Murasawa et al. and Leppisaari et al.'s references do not teach the amended claim 1 which sets all the priority threshold values below a system quality deterioration threshold value for the communication system. The examiner directs the applicants to column 6, lines 62-64 and Figure 2 where the preceding limitation is taught. Murasawa et al. teaches that all the priority threshold values (e.g., ordinary calls threshold value and priority calls threshold value) are set below the critical threshold Th. IV (see Fig. 2 and Column 6, line 34 to column 7, line 4). The threshold Th. II taught in Murasawa et al. is just a limit in terms of software design. When the total number of calls has reached the design threshold Th.II, breathing is executed where the coverage area of a base station is contracted and those of other base stations are expanded so that the total number of calls covered by the related base station becomes smaller than the threshold Th.II (note that the threshold Th.II is the maximum channel capacity for which a predetermined quality of service can be maintained, not the upper limit where the system quality would deteriorate); Therefore, even if the total number of calls exceeds the threshold Th. II, the system quality will not deteriorate.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 6-8, 11-13, 15, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Murasawa et al. (U.S. Patent No. 6,760,594).

Regarding claims 1, 7, and 12, Murasawa et al. teaches a call admission control method in a communications system in which calls of a plurality of services having mutually different degrees of priority (e.g., ordinary calls and priority calls) are present and respective calls perform access with shared resources, comprising: setting beforehand for said plurality of services, a plurality of corresponding call admission threshold values in accordance with respective of said degrees of priority; and comparing in respect of a requested call, a resource use condition of a predetermined resource designated as a subject of monitoring and said call admission threshold value corresponding to said service in the requested call, and restricting new call admission in respect of said requested call in accordance with a result of said comparing step, wherein said plurality of corresponding threshold values (e.g., ordinary calls threshold value and priority calls threshold value) are all set below a system quality deterioration threshold value (e.g., threshold Th. IV) for said communication system (Figs. 2-4; Col. 2, lines 7-24; Col. 6, lines 34-67; Col. 7, lines 1-4; Col. 10, lines 1-55).

Regarding claims 2, 8, and 13, Murasawa et al. teaches the call admission control method according to claim 1, characterized in that said plurality of services include at least a first service of high degree of priority and a second service of lower degree of priority than said first service; and said call admission threshold value corresponding to said first service is set higher than said call admission threshold value corresponding to said second service (Col. 6, lines 34-67; Col. 7, lines 1-4).

Regarding claims 4, 15, Murasawa et al. teaches the call admission control method according to claim 1, characterized by comprising: a resource measurement step in which said resource use condition is measured and this measured value is acquired; a comparison result acquisition step in which said measured value and said call admission threshold value corresponding to said service of said requested call are compared to obtain said comparison result; and a call admission restriction step in which new call admission in respect of said requested call is denied if the obtained comparison result proves that said measured value exceeds said call admission threshold value (Col. 10, lines 36-46).

Regarding claims 6, 11, 17, Murasawa et al. teaches the call admission control method according to claim 1, characterized in that the access system employed in said communication is the CDMA system, and said resource that is designated as the subject of monitoring is at least one of the amount of up-link interference, the down-link transmission power, the number of devices employed or the number of spreading codes (Col. 3, lines 10-13).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 9-10, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murasawa et al. in view of Leppisaari et al. (U.S. Patent No. 6,532,227).

Regarding claims 3, 9, and 14, Murasawa et al. teaches the call admission control method according to claim 2 except that of plurality of services, a service using a circuit switching system as its switching system is employed as said first service of high degree of priority and a service using a packet switching system is employed as said second service of lower degree of priority. However, the preceding limitation is taught in Leppisaari et al. (Col. 3, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Leppisaari et al. to the teaching of Murasawa et al. to improve system capability.

Regarding claims 5, 10, and 16, Murasawa et al. teaches the call admission control method according to claim 1 except that the access system employed in said communication is the FDMA system or TDMA system. However, the preceding limitation is taught in Leppisaari et al. (Col. 1, lines 36-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Leppisaari et al. to the teaching of Murasawa et al. to improve system capability.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huy Nguyen



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER